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#SH2272659

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
04/28/11	F.O.R. II / CEN	☐	☐

Incident Information

URN: 910-15047-2199-055	Date: 08/25/10	Time: 2040 hours

City or Station: City of Los Angeles

Location: [redacted] East 88th Street

Nature of Incident: Deputies drove westbound on 88th and heard gunshots in front of them. They heard more gunshots and saw muzzle flash from Susp #1. Susp #1 ran and entered an awaiting car driven by Susp #2 who drove at the patrol vehicle. Susp #1 pointed a gun at Dep. Orellana. In fear, Dep. Orellana fired two rounds at the Susp #1 as the vehicle drove past them. The susp vehicle/suspects were not located.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **(Residence)**, Rural, School, **(Street)**, Other: ______

Lighting (*circle only one*): **(Darkness)**, Daylight, Other, Street Lights

Weather (*circle only one*): **(Clear)**, Cloudy, Fog, Rain

Distance: 2-3 feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)**, **(Fleeing Suspect)**, Foot Pursuit, Gun Take Away, **(Moving Vehicle)**, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)**

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Rubalcaba	Richard	J.	EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Furman	Robert	F.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Morales	Guillermo	J.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Mendoza	Jose	G.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Clay	Victor	A.

PSTD Use Only

SH # 2272659

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/25/10	2250	04/28/11	

Employee #	Last Name	First Name	M.I.
[redacted]	Fredericks	Stefanie	R.
[redacted]	Grote	Dinah	L.
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#2- Unk.	E#1	OV					NN	
S#1 - Ester	E#1	FH	ZZ	9			NN	
E#1	S#1 - Ester	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 910-15047-2199-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Orellana Jr.	First Name: Armando	M.I.: R.
Sex: M Race: H	Rank: DSG	Unit Assignment: CEN	Work Assignment (Unit #, Module, etc.): 216F
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)	Other Factors:
Age: [redacted] Height: 5' 08"	Weight: 170 lbs.		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 2	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 910-15047-2199-055

Suspect Information

S 1

Last Name: Ester	First Name: Schuyler	M.I.: A.
AKA Last Name: Ester	First Name: Skyler	M.I.
Sex: M Race: B	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]

Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 03/05/82	Height: 5' 09" Weight: 170	FBI #: [redacted]	CII #: [redacted]
Booking #: 2487627	Primary Charge: 187 P.C.	Secondary Charge: 3056 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S 2

Last Name: Unknown	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: M Race: B	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: 20's D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Unknown		Model: Sedan	Year: Unknown

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:

Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED, NON-HIT SHOOTING (AT A MOVING VEHICLE)
IAB# SH2272659

URN: 910-015047-2199-055

DATE / TIME: Wednesday, August 25, 2010, 2040 hours

LOCATION: [redacted] East 88th Street, City of Los Angeles, California, 90002

SUSPECT #1: Schuyler Alonso Ester, MB/29, DOB: 03/05/82, Booking #2487627, "89 Family Swan" gang member, moniker's: Face, Babyface, and B-Rat.

SUSPECT #2: Male, African-American, in his 20's, unknown-not in custody.

INVOLVED PERSONNEL: Deputy Armando Orellana, #[redacted] Unit 216F, EM's

Internal Affairs Bureau Sergeants Dinah Grote, Laura Haynes, and Lieutenant Fredericks, responded to the Command Post located at Manchester and Central Avenue's, in the City of Los Angeles, where Deputy Armando Orellana had been involved in a deputy-involved, non-hit shooting.

Upon our arrival to the Command Post, we learned the suspects had shot and killed an area gang member in the policing area of the Los Angeles Police Department, Southeast Division, and the shooting was witnessed by Deputies Armando Orellana and Richard Rubalcaba. We also learned the suspects fled in their vehicle, attempting to run over Deputy Orellana while pointing a handgun at the deputies. Deputy Orellana fired two rounds at the suspects, but the suspects and vehicle were not located. Attorney Rob Miller of the Office of Independent Review was also notified and responded.

Lieutenant Stefanie Fredericks checked to see that Watch Commander, Lieutenant John Corina, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative.

In addition, Lieutenant Fredericks checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators. The same information was passed on by Lieutenant Fredericks to Century Station Sergeant Romeo Ingresso, who was at the station.

SYNOPSIS:

Deputies Armando Orellana and Richard Rubalcaba, were working in uniform as a two-person patrol unit. Deputy Rubalcaba was driving and Deputy Orellana was the book-person. While patrolling the streets near 92nd Street and Belhaven Avenue, they observed a compact vehicle fail to stop for a stop sign and the vehicle had fluorescent headlamps. The vehicle continued west across Central Avenue, to north bound Wadsworth Avenue.

Deputy Rubalcaba attempted to catch up to the vehicle to warn or cite the driver regarding the violation. By the time he turned north bound on Wadsworth Avenue, they lost sight of it, so Deputy Rubalcaba turned westbound on 88th Street, and about mid-block, they heard two gunshots in close proximity. As they neared McKinley Avenue, they heard approximately 4-6 more gunshots and saw muzzle flash coming from the northeast corner of 88th Street and McKinley Avenue. The gunfire appeared to be going in a westerly direction toward the Avalon Gardens Housing Development.

After the last shot, they saw a male black adult (Suspect Schuyler Ester) run southbound on McKinley Avenue from the area of the muzzle flash. Suspect Ester ran across 88th Street, toward an awaiting vehicle, holding a handgun. The dark colored vehicle had its headlamps on and it was parked in a northeasterly direction on the southeast corner of McKinley Avenue and 88th Street. Suspect Ester ran to the front passenger's side door and entered the vehicle.

Deputy Rubalcaba saw Suspect Ester enter the vehicle, so he drove forward (westbound) one to two houses, and shined his spotlight on the car. After Deputy Rubalcaba came to a stop in the middle of 88th Street, Deputy Orellana exited his passenger side door. As Deputy Rubalcaba placed the car into park mode and put his foot on the ground outside the patrol car, the suspect vehicle, driven by Suspect #2, accelerated quickly from the intersection and drove toward their patrol car in a northeast direction on 88th Street, on the wrong side of the roadway.

This resulted in the suspect vehicle driving toward, and to the right of the deputies' radio car. As the passenger side of the suspect's vehicle reached the front passenger side of the radio car, Suspect Ester, seated in the passenger seat pointed a handgun at the deputies through the open passengers' window. Deputy Orellana, who had just stepped out of the radio car, was forced to quickly squeeze himself back into the passengers' door of the radio car, and pull the door in toward him to avoid being hit by the suspect vehicle.

Simultaneously, Deputy Orellana saw the suspect pointing the gun at him and his partner, so he fired two rounds from his Department-issued Beretta directly toward Suspect Ester and the vehicle.

The suspect vehicle sped east bound on 88th Street, then turned north onto Wadsworth Avenue. The deputies attempted to radio broadcast the emergent traffic, but had difficulty getting a dispatcher from the Sheriff's Communication Center (SCC) to acknowledge their transmissions.

Due to the narrowness of the residential street and difficulty in turning around, Deputy Rubalcaba drove in reverse east bound on 88th Street watching as the suspect vehicle turned north bound on Wadsworth Avenue. After a few attempts, Deputy Orellana was able to transmit with SCC, communicating their pursuit of the vehicle. By the time Deputy Rubalcaba reached the intersection at Wadsworth Avenue, the suspect vehicle turned westbound on 87th Street. When they turned westbound onto 87th Street, the vehicle was no longer in sight. Despite an area containment and air support, the suspects and suspect vehicle were not located.

Upon Deputies Rubalcaba and Orellana returning back to the shooting scene, they discovered a male shooting victim located on the grounds of the Avalon Gardens Housing Development. They requested rescue and the Los Angeles Police Department (LAPD) to respond. The male was pronounced dead at the scene, and LAPD assumed the handle on the murder. The 17-year-old murder victim is believed to have been a "Bounty Hunter's" gang member who resided in the Nickerson Gardens area. LAPD, Homicide Detectives [redacted] and [redacted] is handling the murder under DR#10-1817717.

Century Sheriff's Station, Detective Samuel Valente, assumed the handle for the assault on Deputies Rubalcaba and Orellana by the suspects.

Within the containment, a discarded and empty black, semiautomatic handgun, along with the magazine, was located on the east side of Wadsworth Avenue, just north of 88th Street. The handgun was retained by LAPD, and later confirmed to be the murder weapon.

Eight expended 9mm casings were recovered from the suspect's gun located at the murder scene on McKinley Ave, just north of 88th Street. It is believed the suspects did not fire at the deputies as they drove by the radio car. LAPD Homicide Detective, [redacted] estimated the capacity of the recovered magazine is approximately eight to ten rounds.

Both of Deputy Orellana's expended casings were located in the center console of the patrol car. Neither of Deputy Orellana's rounds was located at the scene.

September 23, 2010, LAPD detectives arrested Suspect Schuyler Ester, an "89 Family Swan" gang member, for the murder of the 17-year-old victim. He was not shot by Deputy Orellana.

It is still unknown whether the suspect vehicle or Suspect #2 was struck by Deputy Orellana's rounds as they both are still outstanding. There was no report of injury to any civilians, and there was no evidence or reports of damage to vehicles, structures, or residences. It appears both rounds may have hit the suspect vehicle.

INVOLVED PERSONNEL:
ORELLANA JR., Armando R.
Deputy Sheriff, Employee #[redacted]
F.O.R. II/Century Sheriff's Station - Patrol

WORK HISTORY:

Date of Employment:	07/28/1997
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	2
Prior Founded Force Incident(s):	[redacted]

EMPLOYEE WITNESS:
RUBALCABA, Richard J.
Deputy Sheriff, Employee #[redacted]
F.O.R. II/Century Sheriff's Station - Patrol

NON-EMPLOYEE WITNESSES:
[redacted] MH/[redacted] DOB [redacted]
Cell Phone #[redacted]

SUSPECT INFORMATION:
#1 - ESTER, Schuyler Alonso, MB/29, DOB: 03/05/82, 5'09", 170 lbs., Booking #2487627
[redacted]
No telephone numbers provided during booking.

CII #[redacted] CCHRS #[redacted] MAIN #[redacted] FBI #[redacted]

A check of CCHRS/CII (Consolidated Criminal History Reporting System/Criminal Information Index) revealed that Suspect Ester had [redacted]

[redacted]

#2 - Male, African-American, in his 20's, unknown-not in custody.

INJURIES:
There were no injuries to deputy personnel, to suspects, or to any civilians.

PHYSICAL EVIDENCE:
Two expended "WIN" 9mm cartridge casings were located in the center tray of the patrol car. The evidence was documented and photographed by Forensic Identification Specialist (FIS) Martin Mutuc. Also, Mr. Mutuc provided a sketch of the shooting scene. For further, refer to FIS Martin Mutuc's supplemental report, sketch, and CD containing crime scene photographs, presented as ***Exhibits N and O***.

> **IAB Note:** Located on the northeast corner of McKinley Street and 88th were eight expended casings. This evidence was collected by the Los Angeles Police Department (LAPD). For further, refer to their report, presented as ***Exhibit's A and K***.

INVESTIGATORS' OBSERVATIONS:
The area of this incident is patrolled by the Los Angeles Police Department. 88th Street, is an east-west street in a residential neighborhood and consists of single-family homes. The north and south sides of 88th Street have curbside parking with raised sidewalks. The first street east of 88th Street is Wadsworth Avenue, a north-south street. The first street west of 88th Street is McKinley Avenue, a north-south street, which becomes a "T" intersection. The intersection is controlled by a posted stop sign and stop line for west bound 88th Street traffic.

McKinley Avenue has raised sidewalks and curbside parking on the east and west sides of the street. On the west side of McKinley Street is a housing development, "Avalon Gardens." The development is comprised of multi-unit apartments and is secured by an approximate eight foot high wrought iron fence on the east side of the property of McKinley Avenue. The development extends to 87th Place on the north, to 88th Place on the south, and west bound to Avalon Boulevard.

For further description of the murder scene, refer to the Los Angeles Police Department police report, presented as ***Exhibit's A and K***.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Armando Orellana carried his duty firearm, a 9mm Luger caliber, department-issued, Beretta, Model 92FS, semiautomatic, serial #BE[redacted] with "WIN" 9mm Luger brand ammunition. Deputy Orellana carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired 2 rounds. Following the shooting, Deputy Orellana's handgun was recovered. He had 13 live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way.

The handgun and ammunition were submitted to the Crime Lab, Firearms Examiner Ruben Flores under receipt number K227546. Firearms Examiner Ivan Chavez later test-fired the firearm and found it to be functional and within department standards. For further, refer to his supplemental report and lab receipt, presented in ***Exhibit M***.

Previous to this shooting, Deputy Orellana last qualified with his weapon on [redacted]. For further, refer to his Weapons, Shooting, and Training Records, presented in ***Exhibit F***.

WEAPON USED BY THE SUSPECT:

Suspect #2 drove his vehicle at the patrol car occupied by Deputies Orellana and Rubalcaba.

Suspect Ester pointed a handgun toward Deputy Orellana.

> **IAB Note:** A black, "Kahr," 9mm, semiautomatic handgun and an empty magazine were recovered on the frontal grass and side yard at [redacted] East 87th Place. The side yard is actually located on the east side of Wadsworth Avenue, north of 88th Street. For further, refer to the supplemental report by Deputies Christopher Oakley and Brian Anderson, and photographs of the recovered weapon, which was retained by LAPD for their murder, presented as ***Exhibit I***.
>
> **IAB Note:** Per LAPD Detective [redacted], the above weapon was confirmed to be used in the murder. Also, Suspect #2 and the suspect vehicle are still outstanding.

PROPERTY DAMAGE:

There was no property damage located or claimed.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Century Station Detective Samuel Valente #[redacted]
Court:	Compton Superior Court
Charges Filed:	187 P.C.
DA Case Number:	TA114518

On September 24, 2010, LAPD detectives submitted a criminal complaint to the District Attorney's Office, Compton Hardcore Unit, alleging murder and assault with a deadly weapon charge (on the deputies) against Suspect Ester. The detectives relayed this information to Century Station Detective Samuel Valente, who in return completed his case closure on September 29, 2010, under the above case number. For further, refer to Detective Valente's Case Closure supplemental report, presented as ***Exhibit P.***

> **IAB Note:** On April 11, 2011, I contacted LAPD Detective [redacted] regarding follow-up to the suspect/suspect vehicle information. In that conversation, I learned that the filing Deputy District Attorney K. Lynch only filed the murder charge and not the assault charge.
>
> On April 14, 2011, I spoke to the handling Deputy District Attorney Kevin Stennis regarding the non-filing of the assault with a deadly weapon charge. He said that Deputy Orellana had testified at the preliminary trial against Suspect Ester, but he (Stennis) only requested specific testimony from Deputy Orellana regarding the murder, and not the assault on the deputies. He said that at this point in time, the assault charge allegation was not being connected with the murder case due to procedural concerns by the District Attorney's Office and that it may later be filed by Century Sheriff's Station.

Suspect Ester's next court date is scheduled for June 21, 2011.

LIGHTING AND WEATHER CONDITIONS:

It was a clear and warm summer night. The shooting location was illuminated by a posted overhead street light, approximately 20-30 feet west of the deputy-involved shooting, along with ambient lighting from the front porch lights at several area residences. Also, Deputy Orellana utilized his weapon's laser sight light during the shooting.

INVOLVED EMPLOYEE STATEMENT:

***Deputy Armando Orellana** was interviewed by IAB Sergeant Dinah Grote on September 13, 2010, at 1143 hours, at the Internal Affairs Bureau office. He was represented by Attorney Audra Call from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcribed Interviews** section of the casebook.*

Deputy Orellana was the book-person in a two-man patrol unit with Deputy Richard Rubalcaba. He stated they observed a compact vehicle fail to stop at a posted stop sign at 92nd Street and Belhaven Avenue, in the City of Los Angeles. The vehicle continued west bound on 92nd Street and turned north bound on Wadsworth Avenue. They followed the vehicle to warn or cite the driver, but were unsuccessful in locating it or obtaining the vehicle license plate number, so they turned west bound on 88th Street from Wadsworth Avenue.

As they were driving, approximately mid-block, Deputies Orellana and Rubalcaba heard two gunshots coming from the west. Within several seconds and as they drove toward the gunshots, approximately three to five houses east of McKinley Avenue, Deputy Orellana heard another five to seven rapid gunshots and saw muzzle flash coming from the northeast corner area of McKinley Avenue and 88th Street. Deputy Orellana saw a male, African-American, standing just north of McKinley Avenue and 88th Street, on the east curb line, the area that the muzzle flash came from, run southbound on McKinley Avenue across 88th Street.

> **IAB Note:** Deputy Orellana stated they did not immediately notify the Los Angeles Police Department (LAPD) of the gunshots heard in their area. He said the situation was fluid and that he did not have a chance to do so prior to the deputy-involved shooting.

Deputy Orellana stated he was not sure if the male was a suspect, victim, or just someone trying to get away from the shooting. He said Deputy Rubalcaba stopped the patrol car in the middle of the street, approximately two residences east of McKinley Avenue. Deputy Orellana removed his handgun from his holster and opened the passenger's side door as he exited the patrol car. Unsure if the male was injured, Deputy Orellana watched the male as he ran. As he did this, he saw the male (Suspect Ester) run across the intersection at 88th Street holding a black handgun in his right hand.

Deputy Orellana relayed what he saw to Deputy Rubalcaba, who acknowledged that he (Rubalcaba) saw the weapon too. Within seconds and now standing approximately three feet outside the patrol vehicle, just north of the open door, Deputy Orellana saw the suspect enter the front passenger's door of a black sedan vehicle that was parked on the southeast corner of McKinley Avenue and 88th Street, faced in a northeasterly direction.

As Suspect Ester entered the black sedan, simultaneously, the unknown male driver (Suspect #2) accelerated in a north east direction on 88th Street toward the patrol vehicle and Deputy Orellana. Thinking the driver (Suspect #2) was going to run him over and wanting to take cover inside the patrol car, Deputy Orellana ran back around his open door while he monitored the vehicle as it drove eastbound toward the north side of the patrol vehicle toward him. As Deputy Orellana was partially in the patrol car, he saw the passenger, Suspect Ester, pull out a handgun from the open passenger's window, and point it at him.

> **IAB Note:** Deputy Orellana stated the suspect vehicle could have driven north on McKinley Avenue, but chose to drive at them (deputies) instead. For further regarding the assault on the deputies, refer to the Los Angeles County Sheriff's Department Incident Report, presented in ***Exhibit B***.

Believing Suspect Ester was going to shoot him and the driver (Suspect #2) was going to run him over, Deputy Orellana fired two consecutive rounds in a northeasterly direction at Suspect Ester as the vehicle was almost parallel to him. He added that he fired the rounds through his open passenger's side window while he simultaneously lunged into the patrol car. He was able to close his passenger's side door just as the suspect vehicle drove east bound on the north side of the patrol vehicle past his door and in between a vehicle parked at the north curb line. The suspect vehicle continued to travel east bound on 88th Street toward Wadsworth Avenue. Deputy Rubalcaba, who was standing in the street outside the driver's door, was told by Deputy Orellana to get back in the patrol car, so that they could pursue the suspect vehicle. He said Deputy Rubalcaba attempted to put out emergent radio traffic two separate times as Rubalcaba entered the patrol car, but was unsuccessful.

Deputy Orellana told him to just drive and that he (Orellana) would handle the radio traffic. As Deputy Rubalcaba drove in reverse, Deputy Orellana attempted to get on the radio two to three separate times to put out emergent radio traffic, but was unsuccessful. As they continued east bound on 88th Street, in reverse and after switching the channels on the mobile and handheld radios, Deputy Orellana was able to connect with the Sheriff's Communications Center (SCC) as he put out emergent radio traffic.

At this point, Deputy Rubalcaba had now turned the patrol car and was faced north bound on Wadsworth Avenue. Not knowing which direction the suspect vehicle was last seen,

Deputy Orellana asked Deputy Rubalcaba, and was told the suspect vehicle turned west bound on 87th Street, so Deputy Orellana advised SCC that they were in pursuit of an assault with a deadly weapon suspect and vehicle, asking for an airship, and assisting units. He said when they turned west bound on 87th Street, they only saw red brake lights from a vehicle, two streets west of them. Unknown if it was the suspect vehicle or not, Deputy Orellana said they drove toward that vehicle, which turned north bound on Avalon Boulevard and out of view. He said they drove north on Avalon Boulevard to Manchester Avenue, but did not locate the suspect vehicle.

IAB Note: Deputy Orellana stated that although he advised SCC that they were in pursuit, they were not because they had lost sight of the suspect vehicle.

IAB Note: In his interview, Deputy Orellana stated reprogramming had been going on at the station and he felt the delay to SCC was possibly due to radio upgrades.

IAB Note: Sergeant William Barbe from SCC, Logistics and Training, was contacted regarding the possible reprogramming or upgrades to the stations' radios. He stated there were no radio upgrades, reprogramming, or maintenance done prior to Deputy Orellana's shooting. He said Logistics responded to Century Station on September 7 and 8, 2010, to address a "feedback" complaint by deputies.

Sergeant Barbe stated the feedback was attributed to the handheld radio being in close proximity to the vehicle's radio, which would cause feedback. He said that would not affect the deputies' ability to transmit. He said Logistics adjusted the volume on the radios, so that the feedback would not occur. As of April 18, 2011, Logistics has not returned to Century Station for any type of radio maintenance. For further, refer to the "Miscellaneous" section of this summary.

Driving back to the original shooting location, they discovered a male had been shot within the Avalon Gardens Housing Development, just west of McKinley Avenue. Upon requesting medical assistance for the downed male, he had his desk notify the LAPD of the shooting victim. For further, refer to LAPD's initial criminal report, presented as ***Exhibit A***.

IAB Note: Deputy Orellana said that from the time he saw Suspect Ester enter the suspect vehicle up to his shooting, he estimated several seconds had elapsed.

IAB Note: On September 21, 2010, Deputy Orellana identified Suspect Ester in LAPD's photograph line-up. Refer to LAPD's follow-up investigation report regarding the arrest of Suspect Ester, in ***Exhibit K*** (page 4, paragraph 7).

For further, refer to the assault on the deputies Incident Report, listed as ***Exhibit B***. Refer to Deputy Orellana's supplemental report, listed as ***Exhibit D***, and a sketch of the scene depicted by Deputy Orellana, ***Exhibit E***. Previous to this shooting, Deputy Orellana last qualified with his firearm on [redacted] For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit F***.

EMPLOYEE WITNESS STATEMENT:

Deputy Richard Rubalcaba *was interviewed by IAB Sergeant Dinah Grote on September 13, 2010, at 1052 hours, at the IAB Commerce office. He was represented by Attorney Audra Cail from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews*** *section of the casebook.*

Deputy Rubalcaba stated he was working a two-person patrol unit with Deputy Armando Orellana. He said he was driving and Deputy Orellana was the book-person. He stated that while driving in the Firestone area, westbound on 92nd Street from Hooper Avenue, he saw a light-colored compact vehicle with fluorescent headlamps fail to stop at the intersection of Belhaven Avenue and 92nd Street. The vehicle continued to travel west bound from Central Avenue, to north bound Wadsworth Avenue, out of view. Due to the distance between the compact vehicle and the patrol car, Deputy Rubalcaba sped up in an attempt to catch up to the vehicle.

Following the last seen direction of the compact vehicle to cite or warn the driver regarding the violation, Deputy Rubalcaba drove west bound on 92nd Street. They continued to look for the compact vehicle, so Deputy Rubalcaba turned north bound on Wadsworth Avenue, then west bound on 88th Street. About mid-block, Deputy Rubalcaba heard a loud noise similar to a gunshot. He said there was a one to two second pause, then another loud gunshot sound. He then believed it to be gunshots he heard in close proximity to their location.

As they were approached McKinley Avenue, approximately three to four houses east, Deputy Rubalcaba's attention was drawn to muzzle flash near the northeast corners of 88th Street and McKinley Avenue.

As he neared the intersection and looked in the direction of the gunshots, Deputy Rubalcaba saw a male black adult (Suspect Ester) rapidly shoot four to five rounds from a black handgun toward the Avalon Gardens Housing Development (west). After the last shot, Suspect Ester ran south bound on McKinley Avenue toward a dark colored sedan parked on the southeast side of 88th Street and McKinley Avenue. The awaiting vehicle's headlamps were on and the vehicle was faced in a northeasterly direction at the corner. Suspect Ester ran around the back of the vehicle to front passenger's side door where he entered the car. He and Deputy Orellana both acknowledged what they saw to each other.

Deputy Rubalcaba accelerated the patrol vehicle forward and stopped it in the middle of the street, in front of the residence at [redacted] E. 88th Street. He and Deputy Orellana illuminated the suspect vehicle with their high beams and spotlights. Deputy Rubalcaba then saw the vehicle was occupied by a male driver, Suspect #2. Simultaneously, Deputy Rubalcaba opened his driver's side door and placed the patrol vehicle in park mode. As he placed one foot outside on the ground to exit the patrol car, the suspect vehicle quickly accelerated toward the patrol car, then veered toward the north side of the patrol car and Deputy Orellana.

> **IAB Note:** Deputy Rubalcaba stated he did not have a clear line of fire because Deputy Orellana was in between him (Rubalcaba) and the suspects/vehicle.

When the suspect vehicle's front bumper passed the patrol car's front bumper, on the passenger's side, Deputy Rubalcaba saw the passenger (Suspect Ester) point a handgun from inside the vehicle out toward the front windshield, at them (Rubalcaba and Orellana). Deputy Orellana, who was in between the open door and vehicle's doorframe, fired two rounds from his weapon into the suspect vehicle as it sped east on 88th Street toward him.

Deputy Orellana jumped back into the patrol car, narrowly being hit by the suspect vehicle. The suspect drove west bound in between the patrol vehicle and the parked west facing vehicle at the north curb line, and continued to west bound on 88th Street.

Based on witnessing the shooting assault and the assault on themselves, Deputy Rubalcaba stated he attempted to put out emergent radio traffic, but was unsuccessful, so he placed the patrol car into reverse, and drove east on 88th Street while Deputy Orellana handled the radio transmissions.

Deputy Rubalcaba saw the suspect vehicle turn north bound on Wadsworth Avenue from 88th Street. When Deputy Rubalcaba reached Wadsworth Avenue, he saw the suspect vehicle turn west bound on 87th Street, out of view. By the time they reached 87th Street, the vehicle was no longer in sight. They continued to travel west bound on 87th Street to north bound Avalon Boulevard to Manchester Avenue, but they could not locate the suspect vehicle.

Deputy Rubalcaba stated that although their intent was to pursue the vehicle and Deputy Orellana broadcasted that they were in pursuit, he said his distance from the suspect vehicle was approximately two blocks and he could not catch up to it. He said they communicated to the Sheriff's Communication Center that they could not locate the vehicle, so they returned back to the initial shooting area.

Upon their arrival to McKinley Avenue, they were flagged down by a citizen regarding a shooting victim laying on the ground within the Avalon Gardens Housing Development. He said Deputy Orellana requested via radio that rescue and LAPD respond to handle the investigation. As he and other assisting deputies contained the area, he saw a rescue ambulance traveling toward them on McKinley Avenue.

Deputy Rubalcaba estimated that from the time he saw the muzzle flash leading up to the deputy-involved shooting, 30-60 seconds had elapsed. For further, refer to the assault on the deputies Incident Report, listed as ***Exhibit B***, and Deputy Rubalcaba's supplemental report, listed as ***Exhibit G***.

> **IAB Note:** On September 23, 2010, Deputy Rubalcaba identified Suspect Ester in LAPD's photograph line-up. Refer to LAPD's follow-up investigation report regarding the arrest of Suspect Ester, in ***Exhibit K*** (page 5, paragraph 4).

NON-EMPLOYEE WITNESS STATEMENT:

*After the incident, **Mr.** [redacted] was contacted and interviewed by Century Station Deputy Oscar Calderon. Below is a summary of that interview. For his complete statements, refer to Deputy Calderon's supplemental report, presented as **Exhibit H**. Additionally, the area was canvassed for witnesses to the deputy-involved shooting and although many heard the shooting they did not witness it. For information regarding the canvassing of witnesses, refer to the supplemental reports by Deputies Angel Banuelos and Ricardo Munoz, John Pries, and Salvador Stewart, presented as **Exhibit J.***

Mr. [redacted] stated he and his [redacted] had just arrived home from the store. After exiting his vehicle, he heard numerous gunshots coming from the area of 88th Street and McKinley Avenue. He turned toward the sound and saw a male African-American standing on McKinley Avenue holding a gun while shooting toward a group of people, west of his (Suspect Ester) location. The suspect then ran east bound on 88th Street and entered the front passenger's door of an awaiting west facing vehicle driven by a male African-American (Suspect #2).

The suspect vehicle then made a u-turn across McKinley Avenue, screeched its tires, and turned facing eastbound onto 88th Street. The vehicle drove east bound then stopped in front of his residence. Mr. [redacted] stated that a west traveling patrol vehicle from the Los Angeles County Sheriff's Department and the suspect vehicle were now side to side, but faced toward each other in opposite directions. The front passenger (Suspect Ester) reached out of the car window with a gun in his right hand. He then reached over the top of the vehicle toward the deputies, firing two to three gunshots. In fear, he crouched down and went toward his [redacted] who was still in their vehicle. He heard the suspect vehicle screech its tires as it traveled east bound on 88th Street toward Wadsworth Avenue, out of view. The patrol vehicle also traveled east bound on 88th Street and out of view, so Mr. [redacted] and his [redacted] went into their residence.

> **IAB Note:** In the interview of Mrs. [redacted] she stated she heard the gunshots, but did not witness the shooting. Refer to Deputy Calderon's supplemental report, presented as ***Exhibit H***.

SUSPECT STATEMENTS:

On September 22, 2010, Suspect Schuyler Ester was arrested by personnel from the Los Angeles Police Department for the murder at the Avalon Gardens Housing Development on August 25, 2010. He was interviewed by LAPD Detectives [redacted] and [redacted] Below is a summary of his statements. For Suspect Ester's complete summarized statements, refer to LAPD's Follow-Up Investigation report and a copy of his CCHRS/CII printouts, presented as ***Exhibit's K and L***.

Suspect Ester stated he was at a local motel at the time of the shooting and he saw numerous police vehicles responding to the Avalon Gardens Housing Development. He heard a television news broadcast that detectives had recovered a firearm and stated that he did not personally know the murder victim.

MISCELLANEOUS SECTION:

Supervising Public Dispatcher from SCC, Sandy Poole, stated if no radio maintenance repairs were done, then the SCC dispatchers possibly did not hear the radio transmissions

because the deputies "rushed their mics." She indicated that when the microphone is "keyed," deputies should pause one to two seconds before speaking into the microphone because there is a delay in the frequency before SCC can hear the transmissions. She said when a "click" sound is heard on the recording (keying of the microphone), followed by unintelligible garble, it generally means the radio/microphone transmissions were "rushed."

A CD containing a copy of the audio radio transmissions is included, as ***Exhibit C***.

In the recording;
@ 00:00:09 seconds - The transmission tape begins.
@ 00:00:10 seconds - A "click" is heard
@ 00:00:16 seconds - Another "click" is heard
@ 00:00:17 seconds - SCC picks up the transmissions and Deputy Orellana begins his broadcast.